# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Force	☐ Discourt.	U.S.
Joshua Brickell		Team # 6	201300707	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	1	Precinct:	18 Mo. SOL	EO SOL
Friday, 02/01/2013 6:30 PM		§ 87(2)(b)		46	8/1/2014	8/1/2014
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/Time	e Received at CCI	RB
Sat, 02/02/2013 9:08 AM		CCRB	On-line website	Sat, 02/02	/2013 9:08 AM	
Complainant/Victim	Туре	Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. SGT Franklin Bohr	02618	892920	046 PCT			
2. POM Damon Valentino	13255	935896	046 PCT			
3. POM Ryan Bracconeri	07459	948690	046 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM Elisha Duncan	03073	926793	046 PCT			
Officer(s)	Allegatio	on		Inve	estigator Recon	nmendation
A.SGT Franklin Bohr	Abuse: S	gt. Franklin Bohr entere	ed and searched in the Bronx.			
B.POM Damon Valentino	Abuse: PO Damon Valentino refused to provide his name to and \$87(2)(b) and					
C.POM Ryan Bracconeri	Abuse: PO Ryan Bracconeri refused to provide his name to and \$87(2)(b)					
D.SGT Franklin Bohr	Abuse: Sgt. Franklin Bohr refused to show a search warrant to \$87(2)(b)					
§ 87(4-b) § 87(2)(g)						
§ 87(4-b) § 87(2)(g)						

## **Case Summary**

On February 2, 2013, \$87(2)(b) filed the following complaint with the Civilian
Complaint Review Board (CCRB) via the online website on behalf of herself and her husband,
S87(2)(b) On February 1, 2013, officers executed a search warrant at \$87(2)(b) s
apartment, located at \$87(2)(b) in the Bronx, and the following allegations
resulted:
Allegation A – Abuse of Authority: Sgt. Franklin Bohr entered and searched [587(2)(b)
in the Bronx.
§ 87(2)(g)
Allegation B – Abuse of Authority: PO Damon Valentino refused to provide his name to
§ 87(2)(b) and § 87(2)(b)
Allegation C – Abuse of Authority: PO Ryan Bracconeri refused to provide his name to
§ 87(2)(b) and § 87(2)(b)
§ 87(2)(g)
Allegation D – Abuse of Authority: Sgt. Franklin Bohr refused to show a search warrant to
§ 87(2)(b)
§ 87(2)(g)
§ 87(4-b) § 87(2)(g)
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This case was reassigned to Inv. Michael Gsovski on March 5, 2013, from Inv. Takeya Patterson upon her departure from the CCRB, and reassigned again to Inv. Brickell on March 4, 2014, upon Inv. Gsovski's departure from the CCRB.

## **Results of Investigation**

# **Civilian Statements**

## Complainant /Victim: § 87(2)(b)

• On the date of the incident, \$87(2)(0) was \$87(2)(0) old. She is a black female, stands 5'2" tall, weighs 190 pounds and has brown hair and brown eyes.

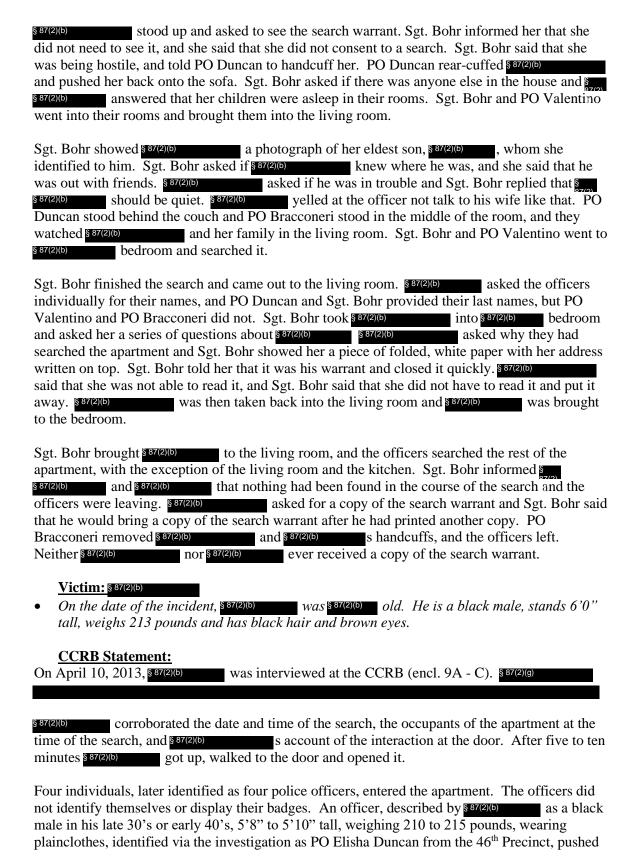
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#### On February 13, 2013, \$87(2)(b) was interviewed at the CCRB (encl. 8A - D). Her statement is summarized below. On February 1, 2013, at approximately 6:30 p.m., \$87(2)(b) was in her apartment, located at § 87(2)(b) in the Bronx. Her husband, § 87(2)(b) children, § 87(2)(b) and § 87(2)(b) and \$87(2)(b) respectively, were asleep in the apartment. § 87(2)(b) was going to take a nap, and all the lights in the house were off. heard the doorbell ring, walked to the door and looked through the peephole. She saw a black male in his late 40's, 5'6" tall, with a muscular build and wearing plainclothes, identified via the investigation as PO Elisha Duncan from the 46th Precinct, standing outside. PO Duncan asked if someone named '\$ 87(2) was home, and \$ 87(2)(b) told him that no one named '\$37(2) lived there. She walked away and PO Duncan rang the bell again. \$37(2)(0) came to the door and PO Duncan said he had a package for \$800 (20)(b) said nobody by that name lived there and walked away from the door again. PO Duncan rang the doorbell and pounded on the door for about ten to fifteen minutes, at which point \( \) \( \) \( \) \( \) woke up and opened the door. Four plainclothes officers pushed past § 87(2)(b) who attempted to block their entry into the house. They did not identify themselves as police. PO Duncan got past § 87(2)(b) and walked into the hallway, which led into the living room. §87(2)(b) who could not see because the lights were off, pushed PO Duncan. § 87(2)(b) felt a bulletproof vest and yelled to that the men were police. She asked the officers to identify themselves by showing their badges. One of the officers instructed § 87(2)(b) and § 87(2)(b) to move back, and she repeated her request about ten more times. One of the officers turned the lights on and could see all four officers. A white, male officer in his late 50's, with a stocky build and wearing plainclothes, identified via the investigation as Sgt. Franklin Bohn from the 46th Precinct, and a white male officer, 5'6" tall, wearing plainclothes, identified via the investigation as PO Damon Valentino from the 46<sup>th</sup> Precinct, were in the kitchen with \$87(2)(b) and the police yelled back and forth for approximately five minutes at which point Sgt. Bohr and PO Valentino flashed their badges and put them back before §87(2)(b) could obtain their information. At no point did the police verbally identify themselves. asked what was happening and Sgt. Bohr told her and § 87(2)(b) repeated her question, and Sgt. Bohr instructed them to sit down on the down. § 87(2)(b) did not sit down, and Sgt. Bohr and PO Valentino stood on either side of couch. § 87(2)(b) and escorted him into the living room. They asked him to sit down and he told them that the couch was too low for him because of his recent knee surgery. Sgt. Bohr told him to sit down anyway and Sgt. Bohr and PO Valentino threw §87(2)(b) face first onto the couch. One of the officers put a knee to his back, and an officer, described by \$87(2)(b) Hispanic male, 5'4" to 5'5" tall, wearing plainclothes, identified via the investigation as PO Ryan Bracconeri from the 46<sup>th</sup> Precinct, placed handcuffs on §87(2)(b) § 87(2)(b) resisted by keeping his hands apart, and it took about five minutes to handcuff him. The officers sat § 87(2)(b) down on the couch and § 87(2)(b) sat down on another sofa in the living

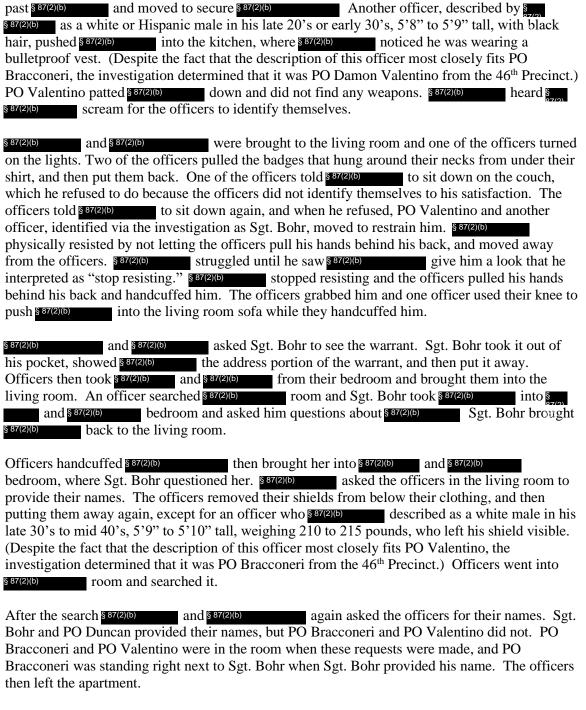
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room.

**CCRB Statement:** 



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### **NYPD Statements:**

#### Subject Officer: SGT. FRANKLIN BOHR

• On the date of the incident, Sgt. Bohr was stands 6'0" tall, weighs 280 pounds, and has brown hair and blue eyes.

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• Sgt. Bohr was assigned to be the Field Intelligence Sergeant for the 46<sup>th</sup> Precinct. He worked from 12:00 p.m. to 8:35 p.m., was partnered with PO Elisha Duncan and PO Damon Valentino, was dressed in plainclothes and utilized an unmarked vehicle (number unknown). Memo Book (encl. 10A - B) At 6:10 p.m., Sgt. Bohr conducted reconnaissance of §87(2)(b) . At 6:20 p.m. he entered the apartment on a search warrant and warrants for the subject (not listed). At 7:00 p.m. he recorded negative results for the search. Officer DD5 (encl. 11) On February 1, 2013, at approximately 5:45 p.m., Sgt. Bohr executed valid Bronx Supreme Court search warrant § 87(2)(b) at § 87(2)(b) in the Bronx, within the confines of the 46<sup>th</sup> Precinct. The details are as follows: "The subject of the warrant, §87(2)(b) #887(2)(b) was not home during the search and has 2 open Bronx south warrants at the time." **CCRB Statement:** On August 30, 2013, Sgt. Bohr was interviewed at the CCRB (encl. 12A - C). His statement is summarized below. At approximately 5:45 p.m. on February 1, 2013. Sgt. Bohr arrived at §87(2)(b) in the Bronx to execute a search warrant. PO Duncan knocked on the door and opened the door shortly thereafter. Sgt. Bohr approached § 87(2)(b) threshold, identified himself as a police officer and said that they said they had a search warrant. Sgt. Bohr said that he had his shield with him at the time, but was not sure if it was visible. They entered the apartment without any resistance. The officers moved to secure the scene because there were children present and the subject had open arrest warrants and the officers did not know what he was capable of doing. and § 87(2)(b) There was verbal resistance from §87(2)(b) who yelled and questioned the officers for being there, and the officers had to restrain them. Sgt. Bohr handcuffed § 87(2)(b) but was unsure about whether § 87(2)(b) was handcuffed. § 87(2)(b) placed in his bedroom with the door open and \$87(2)(b) was in the living room of the apartment while the officers searched § 87(2)(b) room. The officers found the children in their rooms and brought them into the living room. After the apartment was secured, Sgt. Bohr showed the search warrant to §87(2)(b) One of the adults asked Sgt. Bohr for his name and badge number verbally and he provided it. He did not recall if the request was specific to him or if it was directed at all the officers present. He did not recall whether § 87(2)(b) Or § 87(2)(b) requested PO and § 87(2)(b) Duncan or PO Valentino's names. Sgt. Bohr told § 87(2)(b) \$ 87(2)(b) should turn himself in, and he showed \$ 87(2)(b) and § 87(2)(b) the warrant.

#### **Subject Officer: PO DAMON VALENTINO**

• On the date of the incident, PO Valentino was [887(2)(b)] old. He is a white male officer who stands 6'0" tall, weighs 210 pounds and has brown hair and green eyes.

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• PO Valentino worked from 9:37 a.m. to 6:00 p.m., was assigned as Assistant Field Intelligence Officer for the 46<sup>th</sup> Precinct, worked with Sergeant Franklin Bohr, was in plainclothes and was assigned to a black, unmarked Chevrolet Impala.

#### Memo Book

PO Valentino had no memo book entries regarding this incident, §87(2)(9)

### **CCRB Statement:**

On October 1, 2013, PO Valentino was interviewed at the CCRB (encl. 13A - C). His statement is summarized below.

On February 1, 2013, at 5:45 p.m., PO Valentino executed a search warrant at \$\frac{87(2)(b)}{2}\$ in the Bronx with Sgt. Bohr, PO Duncan and PO Bracconeri. PO Duncan knocked on the door to the apartment and \$\frac{87(2)(b)}{2}\$ answered the door, which was done in lieu of breaking down the door because of concerns about children in the apartment. They identified themselves as police officers and entered the apartment. They encountered no physical resistance, however, \$\frac{87(2)(b)}{2}\$ made "belligerent" verbal comments. PO Valentino said \$\frac{87(2)(b)}{2}\$ refused to sit down on the couch, and that he was a potential threat to the officers' safety. He was rear handcuffed and placed in the living room. PO Valentino did not handcuff and did not recall who did so. He did not recall whether \$\frac{87(2)(b)}{2}\$ was handcuffed.

PO Valentino searched \$87(2)(b) bedroom. Neither \$87(2)(b) nor \$87(2)(b) asked PO Valentino for his name or badge number, and he did not hear them ask the other officers for their names or badge numbers. All of the officers had their shields visible during the incident.

### **Subject Officer: PO RYAN BRACCONERI**

- On the date of the incident, PO Bracconeri was [87(2)(0)] old. He is a white male, stands 5'8" tall, weighs 195 pounds and has brown hair and brown eyes.
- On February 1, 2013, PO Bracconeri was initially assigned to the 46<sup>th</sup> Precinct conditions, but was asked by FIO Sgt. Franklin Bohr to assist him in executing a search warrant. PO Bracconeri's assigned tour was from 5:30 a.m. to 2:05 p.m. He worked with Sgt. Bohr, PO Duncan and PO Valentino, and was dressed in plainclothes.

#### Memo Book (encl. 14A - B)

PO Bracconeri had no memo book entries regarding this incident.

## **CCRB Statement:**

On February 4, 2014, PO Bracconeri was interviewed at the CCRB (encl. 15A - C). His statement is summarized below.

On February 1, 2013, Sgt. Bohr asked PO Bracconeri to assist in the execution of a search warrant. At approximately 5:45 p.m., PO Bracconeri, Sgt. Bohr, PO Duncan and PO Valentino executed a search warrant at 337(2)(5) in the Bronx. One of the occupants opened the door, and the officers searched the apartment. PO Bracconeri did not recall whether the officers met physical resistance on entry to the apartment.

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PO Bracconeri corroborated that \$37(2)(b) and some children were present in the apartment. PO Bracconeri said that \$37(2)(b) and \$37(2)(b) were upset that the officers entered the apartment, however, he did not recall if they were physically restrained, or whether any officer used physical force against them.

PO Bracconeri stood by the doorway of the apartment as security for the entirety of the search. He did not witness the search of the rooms and did not recall which rooms were searched. PO Bracconeri denied that any civilian asked him for his name or badge number, and did not recall whether the civilians asked any of the officers for their name.

# Witness Officer: PO ELISHA DUNCAN

- On the date of the incident, PO Duncan was \$87(2)(b) old. He is a black male, stands 5'6" tall, weighs 175 pounds, and has black hair and brown eyes.
- PO Duncan was assigned to 46<sup>th</sup> Precinct Conditions, worked from 9:00 a.m. to 6:05 p.m., worked alone, was on foot and was dressed in plainclothes.

### Memo Book (encl. 16)

At 5:30 p.m. PO Duncan had his post changed from Conditions to performing reconnaissance and executing a search warrant.

#### **CCRB Statement:**

On June 20, 2013, PO Elisha Duncan was interviewed at the CCRB (encl. 17A - B). The following is his statement.

On February 1, 2013, at 5:30 p.m. Sgt. Bohr asked PO Duncan to assist in the execution of the search warrant at \$37(2)(b) in the Bronx. PO Duncan knocked on the door of the apartment, and spoke with an individual inside through the door. He did not recall what he said, whether he issued any commands to open the door or if he identified himself as a police officer. PO Duncan did not recall who opened the door or whether anyone blocked the doorway. The officers entered the apartment and encountered no resistance. PO Duncan displayed his badge and said "police" as he entered, but did not recall whether or not the other officers did so.

The officers entered the living room and gathered the civilians there. Sgt. Bohr and another officer searched the bedroom of the search warrant subject, \$87(2)(b) and PO Duncan stood watch over the civilians. He did not recall whether any civilians were handcuffed during the search and did not recall the scope of the search. The officers search the apartment for approximately ten minutes, and did not find any drugs or weapons.

At some point during the search, 1887(2)(b) requested PO Duncan's name and shield number, which he provided. He did not recall whether any other officers were present at the time, or whether 1887(2)(b) asked any of the other officers for their names. PO Duncan denied having any physical contact with the civilians present, and did not recall whether other officers did.

### **NYPD Documents**

#### Bronx County Search Warrant Number § 87(2)(b) (encl. 18)

Bronx County Search Warrant Number \$87(2)(b) authorized members of the NYPD to enter and search, between the hours of 6:00 a.m. and 9:00 p.m., the premises at \$87(2)(b)

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and seize illicit materials therein, as well as any persons in connection, within ten days of the date issued (January 22, 2013).

## **Status of Civil Proceedings (encl. 19-1)**

• As of March 24, 2014, no Notice of Claim has been filed.

## **Civilians CCRB History (encl. 4A - B)**

- §87(2)(b) filed complaint number §87(2)(b)
- This is the first complaint filed by § 87(2)(b)

### **Subject Officers CCRB History**

Identification of Subject Officers

- Franklin Bohr has been a member of the service for twenty six years and there are five substantiated CCRB allegations against him (encl. 1A D).
  - In complaint #9600841, a person search allegation was substantiated. The Board recommended charges but they were dismissed at a DCT Conference.
  - In complaint 200100716, allegations for physical force, stop/question, threat of force and discourtesy were substantiated, and Sgt. Bohr was docked twenty vacation days.
- Damon Valentino has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. 2).
- Ryan Bracconeri has been a member of the service for three years and there are no substantiated CCRB allegations against him (encl. 3).

## Conclusion

§ 87(2)(g)
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said that PO Duncan and Sgt. Bohr provided their names to
them, but that the other two officers involved in the raid did not provide their names. The other
two officers at the scene were PO Valentino and PO Bracconeri. §87(2)(9)
Sgt. Bohr acknowledged showing the search warrant to \$87(2)(b) and \$87(2)(b)
§ 87(2)(g)
Allegations Not Pleaded
\$ 87(2)(g)

#### **Investigative Findings and Recommendations**

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Allegation B – Abuse of Authority: PO Damon Valentino refused to provide his name to  887(2)(b)  Allegation C – Abuse of Authority: PO Ryan Bracconeri refused to provide his name to
§ 87(2)(b)  § 87(2)(b)  and § 87(2)(b)  alleged that they repeatedly asked PO Valentino and PO Bracconeri for their names throughout the course of the search warrant execution.
According to PO Valentino and PO Bracconeri, neither \$87(2)(b) nor \$87(2)(b) asked them for their names or badge numbers, and they did not hear \$87(2)(b) or \$87(2)(b) ask the other officers for their names or badge numbers. Sgt. Bohr and PO Duncan individually provided their names to \$87(2)(b) and \$87(2)(b) however, they did not recall whether \$87(2)(b) or \$87(2)(b) asked PO Valentino or PO Bracconeri for their names.  \$87(2)(g)
Allegation D – Abuse of Authority: Sgt. Franklin Bohr refused to show a search warrant to
said that she asked to see the search warrant and Sgt. Bohr showed her a piece of paper, but that she could not read it because he did it so quickly. S87(2)(b) said that Sgt. Bohr showed him a piece of paper that had their address on it.
Sgt. Bohr said that he showed the search warrant to \$87(2)(b) and \$87(2)(b) during the search warrant execution.
§ 87(2)(g)
§ 87(4-b) § 87(2)(g)

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Team:		
Investigator:		
Title/Signature	Print	Date
Supervisor:		
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date